
By: **Delegate Hurson**

Rules suspended

Introduced and read first time: March 20, 2003

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations - State Board of Physician Quality Assurance**

3 FOR the purpose of continuing for a certain period of time the State Board of
4 Physician Quality Assurance by extending to a certain date the termination
5 provisions relating to the statutory and regulatory authority of the Board;
6 terminating the State Board of Physician Quality Assurance in accordance with
7 the provisions of the Maryland Program Evaluation Act (Sunset Law) by
8 repealing certain provisions relating to the statutory and regulatory authority of
9 the Board; requiring the Secretary of Health and Mental Hygiene to set
10 standards for the licensure of physicians and the practice of medicine in the
11 State; requiring certain individuals to be licensed by the Secretary before
12 certain individuals may practice medicine in the State; authorizing the
13 Secretary to adopt certain rules and regulations regarding the licensure of
14 physicians in the State; creating the Physicians Licensing Fund as a continuing,
15 nonlapsing special fund in the Department; authorizing the Secretary to
16 establish reasonable fees for the issuance of and renewal of certain licenses;
17 requiring the Comptroller of the State to allocate certain funds from the Fund to
18 certain programs or to the Fund contingent upon certain circumstances;
19 directing the payment of certain fees to the Fund; requiring the Fund be used for
20 certain purposes; requiring the Secretary or the Secretary's designee to
21 administer the Fund; requiring an audit of the Fund under a certain provision of
22 law; requiring that an evaluation of the statute and regulations that relate to
23 the regulation of physicians be performed on or before a certain date; requiring
24 the Secretary to adopt certain regulations on or before a certain date; providing
25 for the transfer of certain functions, powers, duties, equipment, revenues,
26 assets, liabilities, and records of the Board to the Secretary including certain
27 functions, powers, and duties in connection with the regulation of physicians,
28 respiratory care practitioners, radiation oncology/therapy technologists, medical
29 radiation technologists, and nuclear medicine technologists; providing for the
30 transfer of any balance remaining in or payable to the Board of Physician
31 Quality Assurance Fund to the Physicians Licensing Fund; providing for the
32 continuation of employment of certain employees; providing for the construction
33 of this Act; defining certain terms; providing for the termination of certain
34 provisions of this Act; making certain provisions of this Act contingent on the

1 failure of certain other legislation; requiring the publisher of the Annotated
2 Code, in consultation with and subject to the approval of the Department of
3 Legislative Services, to correct certain references rendered incorrect by this Act;
4 and generally relating to the licensure and regulation of physicians and other
5 health occupations regulated by the State Board of Physician Quality
6 Assurance.

7 BY repealing and reenacting, with amendments,
8 Article - Health Occupations
9 Section 14-702
10 Annotated Code of Maryland
11 (2000 Replacement Volume and 2002 Supplement)

12 BY repealing
13 Article - Health Occupations
14 Section 14-101 and the subtitle "Subtitle 1. Definitions; General Provisions";
15 14-201 through 14-207, inclusive, and the subtitle "Subtitle 2. State Board
16 of Physician Quality Assurance"; 14-301 through 14-321, inclusive, and
17 the subtitle "Subtitle 3. Licensing"; and 14-401 through 14-415, inclusive,
18 and the subtitle "Subtitle 4. Disciplinary Actions"
19 Annotated Code of Maryland
20 (2000 Replacement Volume and 2002 Supplement)

21 BY renumbering
22 Article - Health Occupations
23 Section 14-102; 14-501 through 14-507, inclusive, and the subtitle "Subtitle 5.
24 Miscellaneous Provisions"; 14-5A-01 through 14-5A-25, inclusive, and
25 the subtitle "Subtitle 5A. Respiratory Care Practitioners"; 14-5B-01
26 through 14-5B-21, inclusive, and the subtitle "Subtitle 5B. Radiation
27 Oncology/Therapy, Medical Radiation, and Nuclear Medicine
28 Technologists"; 14-601 through 14-607, inclusive, and the subtitle
29 "Subtitle 6. Prohibited Acts; Penalties"; and 14-701 and the subtitle
30 "Subtitle 7. Short Title; Termination of Title", respectively
31 to be Section 14-107; 14-201 through 14-207, inclusive, and the subtitle
32 "Subtitle 2. Miscellaneous Provisions"; 14-301 through 14-325, inclusive,
33 and the subtitle "Subtitle 3. Respiratory Care Practitioners"; 14-401
34 through 14-421, inclusive, and the subtitle "Subtitle 4. Radiation
35 Oncology/Therapy, Medical Radiation, and Nuclear Medicine
36 Technologists"; 14-501 through 14-507, inclusive, and the subtitle
37 "Subtitle 5. Prohibited Acts; Penalties"; and 14-601 and the subtitle
38 "Subtitle 6. Short Title; Termination of Title", respectively
39 Annotated Code of Maryland
40 (2000 Replacement Volume and 2002 Supplement)

41 BY adding to
42 Article - Health Occupations

1 Section 14-101 through 14-106
2 Annotated Code of Maryland
3 (2000 Replacement Volume and 2002 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article - Health Occupations
6 Section 14-702
7 Annotated Code of Maryland
8 (2000 Replacement Volume and 2002 Supplement)
9 (As enacted by Section 1 of this Act)

10 BY repealing and reenacting, with amendments,
11 Article - State Government
12 Section 8-403(b)(51)
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2002 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Health Occupations**

18 14-702.

19 Subject to the evaluation and reestablishment provisions of the Program
20 Evaluation Act, this title and all rules and regulations adopted under this title shall
21 terminate and be of no effect after [July] OCTOBER 1, 2003.

22 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 14-101 and the
23 subtitle "Subtitle 1. Definitions; General Provisions"; 14-201 through 14-207,
24 inclusive, and the subtitle "Subtitle 2. State Board of Physician Quality Assurance";
25 14-301 through 14-321, inclusive, and the subtitle "Subtitle 3. Licensing"; and
26 14-401 through 14-415, inclusive, and the subtitle "Subtitle 4. Disciplinary Actions"
27 of Article - Health Occupations of the Annotated Code of Maryland be repealed.

28 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 14-102;
29 14-501 through 14-507, inclusive, and the subtitle "Subtitle 5. Miscellaneous
30 Provisions"; 14-5A-01 through 14-5A-25, inclusive, and the subtitle "Subtitle 5A.
31 Respiratory Care Practitioners"; 14-5B-01 through 14-5B-21, inclusive, and the
32 subtitle "Subtitle 5B. Radiation Oncology/Therapy, Medical Radiation, and Nuclear
33 Medicine Technologists"; 14-601 through 14-607, inclusive, and the subtitle "Subtitle
34 6. Prohibited Acts; Penalties"; and 14-701 and the subtitle "Subtitle 7. Short Title;
35 Termination of Title", respectively, of Article - Health Occupations of the Annotated
36 Code of Maryland be renumbered to be Section(s) 14-107; 14-201 through 14-207,
37 inclusive, and the subtitle "Subtitle 2. Miscellaneous Provisions"; 14-301 through
38 14-325, inclusive, and the subtitle "Subtitle 3. Respiratory Care Practitioners";
39 14-401 through 14-421, inclusive, and the subtitle "Subtitle 4. Radiation

1 Oncology/Therapy, Medical Radiation, and Nuclear Medicine Technologists"; 14-501
2 through 14-507, inclusive, and the subtitle "Subtitle 5. Prohibited Acts; Penalties";
3 and 14-601 and the subtitle "Subtitle 6. Short Title; Termination of Title",
4 respectively.

5 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland
6 read as follows:

7 **Article - Health Occupations**

8 14-101.

9 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

10 (B) "FACULTY" MEANS THE MEDICAL AND CHIRURGICAL FACULTY OF THE
11 STATE OF MARYLAND.

12 (C) "HOSPITAL" HAS THE MEANING STATED IN § 19-301 OF THE HEALTH -
13 GENERAL ARTICLE.

14 (D) "LICENSE" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A
15 LICENSE ISSUED BY THE SECRETARY TO PRACTICE MEDICINE.

16 (E) "LICENSED PHYSICIAN" MEANS, UNLESS THE CONTEXT REQUIRES
17 OTHERWISE, A PHYSICIAN, INCLUDING A DOCTOR OF OSTEOPATHY, WHO IS
18 LICENSED BY THE SECRETARY TO PRACTICE MEDICINE.

19 (F) "LICENSEE" MEANS AN INDIVIDUAL TO WHOM A LICENSE IS ISSUED,
20 INCLUDING AN INDIVIDUAL PRACTICING MEDICINE WITHIN OR AS A PROFESSIONAL
21 CORPORATION OR PROFESSIONAL ASSOCIATION.

22 (G) "PERFORM ACUPUNCTURE" MEANS TO STIMULATE A CERTAIN POINT OR
23 POINTS ON OR NEAR THE SURFACE OF THE HUMAN BODY BY THE INSERTION OF
24 NEEDLES TO PREVENT OR MODIFY THE PERCEPTION OF PAIN OR TO NORMALIZE
25 PHYSIOLOGICAL FUNCTIONS, INCLUDING PAIN CONTROL, FOR THE TREATMENT OF
26 AILMENTS OR CONDITIONS OF THE BODY.

27 (H) "PHYSICIAN" MEANS AN INDIVIDUAL WHO PRACTICES MEDICINE.

28 (I) (1) "PRACTICE MEDICINE" MEANS TO ENGAGE, WITH OR WITHOUT
29 COMPENSATION, IN MEDICAL:

30 (I) DIAGNOSIS;

31 (II) HEALING;

32 (III) TREATMENT; OR

33 (IV) SURGERY.

1 (2) "PRACTICE MEDICINE" INCLUDES DOING, UNDERTAKING,
2 PROFESSING TO DO, AND ATTEMPTING ANY OF THE FOLLOWING:

3 (I) DIAGNOSING, HEALING, TREATING, PREVENTING,
4 PRESCRIBING FOR, OR REMOVING ANY PHYSICAL, MENTAL, OR EMOTIONAL AILMENT
5 OR SUPPOSED AILMENT OF AN INDIVIDUAL:

6 1. BY PHYSICAL, MENTAL, EMOTIONAL, OR OTHER PROCESS
7 THAT IS EXERCISED OR INVOKED BY THE PRACTITIONER, THE PATIENT, OR BOTH; OR

8 2. BY APPLIANCE, TEST, DRUG, OPERATION, OR TREATMENT;

9 (II) ENDING OF A HUMAN PREGNANCY; AND

10 (III) PERFORMING ACUPUNCTURE.

11 (3) "PRACTICE MEDICINE" DOES NOT INCLUDE:

12 (I) SELLING ANY NONPRESCRIPTION DRUG OR MEDICINE;

13 (II) PRACTICING AS AN OPTICIAN; OR

14 (III) PERFORMING A MASSAGE OR OTHER MANIPULATION BY HAND,
15 BUT BY NO OTHER MEANS.

16 (J) "RELATED INSTITUTION" HAS THE MEANING STATED IN § 19-301 OF THE
17 HEALTH - GENERAL ARTICLE.

18 14-102.

19 SUBJECT TO THE PROVISIONS OF THIS TITLE, THE SECRETARY SHALL SET
20 STANDARDS FOR THE LICENSURE OF PHYSICIANS AND THE PRACTICE OF MEDICINE
21 IN THE STATE.

22 14-103.

23 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE OR § 13-516 OF THE
24 EDUCATION ARTICLE, AN INDIVIDUAL SHALL BE LICENSED BY THE SECRETARY
25 BEFORE THE INDIVIDUAL MAY PRACTICE MEDICINE IN THIS STATE.

26 14-104.

27 THE SECRETARY MAY ADOPT RULES AND REGULATIONS TO:

28 (1) CARRY OUT THE PROVISIONS OF THIS TITLE;

29 (2) REGULATE THE PERFORMANCE OF ACUPUNCTURE, BUT ONLY TO
30 THE EXTENT AUTHORIZED BY § 14-206 OF THIS TITLE;

31 (3) AFTER CONSULTING WITH THE STATE BOARD OF PHARMACY,
32 REGULATE THE DISPENSING OF PRESCRIPTION DRUGS BY A LICENSED PHYSICIAN;

1 (4) SUBJECT TO THE ADMINISTRATIVE PROCEDURE ACT, DENY A
2 LICENSE TO AN APPLICANT OR REFUSE TO RENEW OR REINSTATE AN APPLICANT'S
3 LICENSE FOR ANY OF THE REASONS THAT ARE GROUNDS FOR ACTION AS
4 DETERMINED BY THE SECRETARY;

5 (5) ON RECEIPT OF A WRITTEN AND SIGNED COMPLAINT, INCLUDING A
6 REFERRAL FROM THE COMMISSIONER OF LABOR AND INDUSTRY, CONDUCT AN
7 UNANNOUNCED INSPECTION OF THE OFFICE OF A PHYSICIAN OR ACUPUNCTURIST,
8 OTHER THAN AN OFFICE OF A PHYSICIAN OR ACUPUNCTURIST IN A HOSPITAL,
9 RELATED INSTITUTION, FREESTANDING MEDICAL FACILITY, OR A FREESTANDING
10 BIRTHING CENTER, TO DETERMINE COMPLIANCE AT THAT OFFICE WITH THE
11 CENTERS FOR DISEASE CONTROL'S GUIDELINES ON UNIVERSAL PRECAUTIONS;

12 (6) CONTRACT WITH OTHERS FOR THE PURCHASE OF ADMINISTRATIVE
13 AND EXAMINATION SERVICES TO CARRY OUT THE PROVISIONS OF THIS TITLE;

14 (7) INVESTIGATE AN ALLEGED VIOLATION OF THIS TITLE;

15 (8) ISSUE SUBPOENAS AND ADMINISTER OATHS IN CONNECTION WITH
16 ITEM (7) OF THIS SECTION;

17 (9) AUTHORIZE CERTAIN INDIVIDUALS TO PRACTICE MEDICINE
18 WITHOUT A LICENSE;

19 (10) AUTHORIZE THE USE OF DELEGATION AGREEMENTS;

20 (11) DETERMINE THE QUALIFICATIONS OF AN APPLICANT FOR
21 LICENSURE;

22 (12) REQUIRE AN APPLICATION FEE, OR WAIVE CERTAIN INDIVIDUALS
23 FROM AN APPLICATION FEE;

24 (13) REQUIRE THE PASSAGE OF AN EXAMINATION AS A CONDITION OF
25 LICENSURE OR WAIVE CERTAIN INDIVIDUALS FROM THE REQUIREMENT OF
26 PASSAGE OF AN EXAMINATION;

27 (14) ISSUE A LICENSE TO AN ELIGIBLE APPLICANT;

28 (15) REQUIRE A LICENSE FEE OR WAIVE CERTAIN INDIVIDUALS FROM
29 THE REQUIREMENT OF A LICENSE FEE;

30 (16) PLACE A LICENSEE ON INACTIVE STATUS;

31 (17) ISSUE A LIMITED OR RESTRICTED LICENSE;

32 (18) ESTABLISH A PHYSICIAN REHABILITATION PROGRAM;

33 (19) ESTABLISH GROUNDS FOR REPRIMAND, PROBATION, SUSPENSION,
34 OR REVOCATION OF A LICENSE;

1 (20) REPRIMAND A LICENSEE, PLACE A LICENSEE ON PROBATION, OR
2 SUSPEND OR REVOKE A LICENSE;

3 (21) IMPOSE A FINE ON A LICENSEE; AND

4 (22) REINSTATE A LICENSE.

5 14-105.

6 (A) (1) THE SECRETARY MAY EMPLOY STAFF TO ADMINISTER THE
7 PROVISIONS OF THIS TITLE AND TITLE 15 OF THIS ARTICLE IN ACCORDANCE WITH
8 THE STATE BUDGET. THE SECRETARY MAY DESIGNATE ONE OF THE STAFF AS AN
9 EXECUTIVE DIRECTOR.

10 (2) STAFF OTHER THAN STAFF OF THE FORMER STATE BOARD OF
11 PHYSICIAN QUALITY ASSURANCE HIRED ON OR BEFORE SEPTEMBER 30, 1992, ARE IN
12 THE EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR ARE SPECIAL APPOINTMENTS
13 IN THE STATE PERSONNEL MANAGEMENT SYSTEM.

14 (3) THE SECRETARY SHALL DETERMINE THE APPROPRIATE JOB
15 CLASSIFICATIONS AND GRADES FOR ALL STAFF.

16 (B) TO PROVIDE ADEQUATE ASSISTANCE IN THE INVESTIGATION,
17 DEVELOPMENT, AND PROSECUTION OF CASES REFERRED TO THE SECRETARY, THE
18 SECRETARY SHALL BE ASSIGNED, FOR THE PURPOSES OF THIS TITLE AND TITLE 15
19 OF THIS ARTICLE, A SUFFICIENT NUMBER OF:

20 (1) ASSISTANT ATTORNEYS GENERAL BY THE ATTORNEY GENERAL; AND

21 (2) INVESTIGATORS AND HEARING OFFICERS.

22 14-106.

23 (A) THERE IS A PHYSICIANS LICENSING FUND.

24 (B) THE SECRETARY MAY SET REASONABLE FEES FOR THE ISSUANCE AND
25 RENEWAL OF LICENSES.

26 (C) (1) EXCEPT FOR FEES ASSESSED TO PAY THE COSTS OF AN
27 EXAMINATION OR FOR THE PHYSICIAN REHABILITATION PROGRAM AND PEER
28 REVIEW ACTIVITIES, THE SECRETARY SHALL PAY ALL FEES COLLECTED UNDER THE
29 PROVISIONS OF THIS TITLE TO THE COMPTROLLER OF THE STATE.

30 (2) (I) IF THE GOVERNOR DOES NOT INCLUDE IN THE BUDGET AT
31 LEAST \$750,000 FOR THE OPERATION OF THE HEALTH MANPOWER SHORTAGE
32 INCENTIVE PROGRAM AND THE LOAN ASSISTANCE REPAYMENT PROGRAM -
33 PRIMARY CARE SERVICES AS ADMINISTERED BY THE MARYLAND HIGHER
34 EDUCATION COMMISSION, THE COMPTROLLER SHALL DISTRIBUTE:

1 1. 14 PERCENT OF THE FEES RECEIVED FROM THE
2 SECRETARY TO THE OFFICE OF STUDENT FINANCIAL ASSISTANCE TO BE USED AS
3 FOLLOWS:

4 A. ONE-HALF TO MAKE GRANTS UNDER THE HEALTH
5 MANPOWER SHORTAGE INCENTIVE GRANT PROGRAM UNDER § 18-803 OF THE
6 EDUCATION ARTICLE; AND

7 B. ONE-HALF TO MAKE GRANTS UNDER THE JANET L.
8 HOFFMAN LOAN ASSISTANCE REPAYMENT PROGRAM UNDER § 18-1502(C) OF THE
9 EDUCATION ARTICLE TO PHYSICIANS ENGAGED IN PRIMARY CARE OR TO MEDICAL
10 RESIDENTS SPECIALIZING IN PRIMARY CARE WHO AGREE TO PRACTICE FOR AT
11 LEAST 2 YEARS AS PRIMARY CARE PHYSICIANS IN A GEOGRAPHIC AREA OF THE
12 STATE THAT HAS BEEN DESIGNATED BY THE SECRETARY OF HEALTH AND MENTAL
13 HYGIENE AS BEING MEDICALLY UNDERSERVED; AND

14 2. THE BALANCE OF THE FEES TO THE PHYSICIANS
15 LICENSING FUND.

16 (II) IF THE GOVERNOR INCLUDES IN THE BUDGET AT LEAST
17 \$750,000 FOR THE OPERATION OF THE HEALTH MANPOWER SHORTAGE INCENTIVE
18 PROGRAM AND THE LOAN ASSISTANCE REPAYMENT PROGRAM - PRIMARY CARE
19 SERVICES AS ADMINISTERED BY THE MARYLAND HIGHER EDUCATION COMMISSION,
20 THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE PHYSICIANS LICENSING
21 FUND.

22 (D) (1) THE FUND SHALL BE USED EXCLUSIVELY TO COVER THE ACTUAL
23 DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND
24 REGULATORY DUTIES OF THE SECRETARY AS PROVIDED BY THE PROVISIONS OF
25 THIS TITLE.

26 (2) (I) THE FUND IS A CONTINUING, NONLAPSING FUND, NOT
27 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

28 (II) ANY UNSPENT PORTIONS OF THE FUND MAY NOT BE
29 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL
30 REMAIN IN THE FUND TO BE USED FOR THE PURPOSES SPECIFIED IN THIS TITLE.

31 (3) EXCEPT FOR ANY MONEY TRANSFERRED TO THE FUND FROM THE
32 BOARD OF PHYSICIAN QUALITY ASSURANCE FUND, NO OTHER STATE MONEY MAY BE
33 USED TO SUPPORT THE FUND.

34 (E) (1) THE SECRETARY OR THE DESIGNEE OF THE SECRETARY SHALL
35 ADMINISTER THE FUND.

36 (2) MONEYS IN THE FUND MAY BE EXPENDED ONLY FOR ANY LAWFUL
37 PURPOSE AUTHORIZED BY THE PROVISIONS OF THIS TITLE.

1 (F) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND
2 TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT
3 ARTICLE.

4 [14-702.] 14-602.

5 Subject to the evaluation and reestablishment provisions of the Program
6 Evaluation Act, this title and all rules and regulations adopted under this title shall
7 terminate and be of no effect after [October 1, 2003] JULY 1, 2007.

8 **Article - State Government**

9 8-403.

10 (b) Except as otherwise provided in subsection (a) of this section, on or before
11 the evaluation date for the following governmental activities or units, an evaluation
12 shall be made of the following governmental activities or units and the statutes and
13 regulations that relate to the governmental activities or units:

14 (51) [Physician Quality Assurance, State Board of] PHYSICIANS,
15 LICENSING AND REGULATION OF ([§ 14-201] TITLE 14, SUBTITLE 1 of the Health
16 Occupations Article: July 1, [2002] 2006);

17 SECTION 5. AND BE IT FURTHER ENACTED, That, on or before October 1,
18 2003:

19 (a) The Secretary of Health and Mental Hygiene shall adopt the rules and
20 regulations regarding the licensure and regulation of physicians, radiation
21 oncology/therapy technologists, medical radiation technologists, nuclear medicine
22 technologists, and respiratory care practitioners in the State.

23 (b) The rules and regulations required in subsection (a) of this section shall
24 include provisions regarding the licensing of physicians related to education and
25 other qualifications, examinations, fees, types of licenses, continuing medical
26 education, renewal, reinstatement, inactive status, and expiration of licenses,
27 advertising, and performance of acupuncture.

28 (c) The rules and regulations required in subsection (a) of this section shall
29 include provisions regarding delegation agreements between physicians and
30 physician assistants, psychiatrists and psychiatric assistants, physicians and cardiac
31 rescue technicians, and physicians and emergency medical technicians or paramedics
32 related to registration or certification requirements, education and other
33 qualifications, fees, renewal and reinstatement of agreements, prohibited conduct,
34 hearing and appeals, penalties, and prescriptive authority for physician assistants.

35 (d) The rules and regulations required in subsection (a) of this section shall
36 include disciplinary standards and penalties for cardiac rescue technicians.

1 (e) The rules and regulations required in subsection (a) of this section shall
2 include provisions regarding the identification of medical specialists related to
3 qualifications, application procedures, fees, hearings, and penalties.

4 (f) The rules and regulations required in subsection (a) of this section shall
5 include provisions regarding the certification of medical radiation technologists,
6 nuclear medicine technologists, and radiation oncology/therapy technologists and the
7 licensing of respiratory care practitioners related to education and other
8 qualifications, a code of ethics, scope of practice, types of licenses or certificates, a
9 standard of care, renewal, reinstatement, and inactive status of license or certificate,
10 fees, prohibited conduct, and investigations, hearings, and appeals.

11 (g) The rules and regulations required in subsection (a) of this section shall
12 include provisions regarding a delegation agreement between a physician and an
13 assistant not otherwise authorized by statute related to standards for the physician,
14 scope of delegation, and prohibited conduct of the assistant.

15 (h) The rules and regulations required in subsection (a) of this section shall
16 include standards for the regulation of unlicensed X-ray assistants.

17 (i) The Secretary may adopt any other rules or regulations that the Secretary
18 determines are necessary to properly regulate the practice of medicine in the State.

19 SECTION 6. AND BE IT FURTHER ENACTED, That, on October 1, 2003:

20 (a) Subject to the provisions of Title 14, Subtitle 1 of the Health Occupations
21 Article as enacted by Section 4 of this Act, all the functions, powers, duties,
22 equipment, revenues, assets, liabilities, and records of the State Board of Physician
23 Quality Assurance be transferred to the Secretary of Health and Mental Hygiene,
24 including the functions, powers, and duties of the State Board of Physician Quality
25 Assurance in connection with the regulation of physicians, respiratory care
26 practitioners, radiation oncology/therapy technologists, medical radiation
27 technologists, and nuclear medicine technologists under Title 14 of the Health
28 Occupations Article and physician assistants under Title 15 of the Health
29 Occupations Article; and

30 (b) Any balance remaining in or money payable to the Board of Physician
31 Quality Assurance Fund shall be transferred to the Physicians Licensing Fund
32 created in § 14-106 of the Health Occupations Article as enacted by Section 4 of this
33 Act.

34 SECTION 7. AND BE IT FURTHER ENACTED, That, as of September 30,
35 2003, all special appointments, contractual employees, and temporary employees in a
36 position authorized by § 14-204 of the Health Occupations Article as in effect on
37 September 30, 2003, shall continue their employment with the Department of Health
38 and Mental Hygiene to facilitate the regulation of the practice of medicine in the
39 State.

40 SECTION 8. AND BE IT FURTHER ENACTED, That this Act may not be
41 construed to affect any license or certificate issued by the State Board of Physician

1 Quality Assurance or any person licensed, certified, or otherwise regulated by the
2 State Board of Physician Quality Assurance.

3 SECTION 9. AND BE IT FURTHER ENACTED, That the publisher of the
4 Annotated Code, in consultation with and subject to the approval of the Department
5 of Legislative Services, shall correct all references that are rendered incorrect by this
6 Act, including all references to the State Board of Physician Quality Assurance to be
7 the Secretary of Health and Mental Hygiene and all references to the Board of
8 Physician Quality Assurance Fund to be the Physicians Licensing Fund.

9 SECTION 10. AND BE IT FURTHER ENACTED, That Sections 2, 3, 4, 6, 7, 8,
10 and 9 of this Act shall take effect October 1, 2003.

11 SECTION 11. AND BE IT FURTHER ENACTED, That, except as provided in
12 Section 10 of this Act, this Act shall take effect July 1, 2003, contingent on the failure
13 of S.B. 500, H.B. 790, and H.B. 791 during the 2003 Session of the General Assembly.
14 If one or more of the bills, S.B. 500, H.B. 790, or H.B. 791, is enacted and takes effect,
15 this Act shall be null and void without the necessity of further action by the General
16 Assembly.